

**CITY OF MILPITAS  
APPROVED**

**PLANNING COMMISSION MINUTES**

**January 22, 2003**

**I.  
PLEDGE OF  
ALLEGIANCE**

Vice Chair Lalwani called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

**II.  
ROLL CALL**

Present: Lalwani, Galang, Giordano, Nitafan, Sandhu and Williams  
Absent: Hay  
Staff: Fujimoto, Heyden, Karlen, Pereira and Rodriguez

**III.  
PUBLIC FORUM**

Vice Chair Lalwani invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendize the matter for a future meeting.

There were no public speakers.

**IV.  
APPROVAL OF MINUTES  
January 8, 2003**

Vice Chair Lalwani called for approval of the minutes of the Planning Commission meeting of January 8, 2003.

There were no changes to the minutes.

**Motion** to approve the minutes of January 8, 2003 as submitted.

M/S: Sandhu/Giordano

AYES: 6

NOES: 0

**V.  
ANNOUNCEMENTS**

**Tambri Heyden, Planning Manager**, noted that the City Council's decision regarding Home Depot's appeal of the Planning Commission's action was to give Home Depot 60 days to come back to Council after working with the task force to develop other screening solutions as they concurred with the Planning Commission that there is a need to screen the storage area.

Ms. Heyden also mentioned that a letter from the City Manager to the Mall was distributed to the Commissioners regarding the Great Mall's annual parking supply demand analysis which the Mall must complete for three consecutive years to ensure parking for the holiday season does not exceed the parking demand during the holidays. Ms. Heyden mentioned that the Mall parking supply demand study can be agendize for a future meeting. Staff did not do so yet because the analysis results met last year's conditions. **Commissioner Nitafan** requested that the study be agendized for the February 5, 2003 Planning Commission meeting and consensus was reached by the Commission.

Ms. Heyden also pointed out that a decision was made by City Council to post Planning Commission agendas and reports on the Internet, although she is not sure when this will begin.

**Commissioner Williams** commented that he has not seen quarterly traffic reports, which is a summary of conditions of such things as the status of the 237 /880 interchange Dixon Landing Road, which the Commission used to receive. Ms. Heyden noted that she will follow up with Transportation Planning to ensure this resumes.

In response to Commissioner Nitafan's clarifying question on what the City's Internet website address is, Commissioner Williams responded that it is [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov).

## **VI. APPROVAL OF AGENDA**

Vice Chair Lalwani called for approval of the agenda.

There were no changes to the agenda.

**Motion** to approve the agenda.

M/S: Sandhu/Nitafan

AYES: 6

NOES: 0

## **VII. CONSENT CALENDAR Item Nos. 1, 2, 3, 4, 6, 7 and 8.**

Vice Chair Lalwani asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

There were no changes from staff.

Vice Chair Lalwani opened the public hearing on Consent Item Nos. 1, 2, 3, 4, 6, 7 and 8.

There were no speakers from the audience.

## **Close Public Hearing Item Nos. 3, 4, 6 and 7**

**Motion** to close the public hearing on Consent Item Nos. 3, 4, 6 and 7. Consents Item Nos. 1, 2 and 8 to be continued to the February 26, 2003 Planning Commission meeting.

M/S: Giordano/Nitafan

AYES: 6

NOES: 0

**Motion** to approve the consent calendar on Consent Item Nos. 3, 4, 6 and 7.

**\*1 USE PERMIT NO. P-UP2002-28:** Request to install six telecommunications antennas on the building roof-top, and three ground-mounted equipment cabinets, at 1102 Pecten Court (APN 92-08-078). Applicant: AT&T Wireless. Project Planner: Annelise Judd, (408) 586-3273. (PJ #2302) *(Recommendation: Continue to February 26, 2003)*

**\*2 USE PERMIT NO. P-UP2002-8:** A request to increase seating from 37 to 49 for an existing restaurant (Tofu House), add on-site beer and wine sales, and approve a parking reduction in conjunction with the increase in seating at 231 West Calaveras Boulevard (APN:022-25-041). Applicant: Sung Ho Yoon. Project Planner: Troy Fujimoto, (408) 586-3287. (PJ #2245) *(Recommendation: Continue to February 26, 2003)*

- \*3 USE PERMIT AMENDMENT NO. P-UA2002-27 AND SIX MONTH REVIEW:** A six month review for Use Permit No. 1481, in regards to a previously approved parking reduction for Heald College and a Use Permit Amendment for an additional 15 space parking reduction (APN: 086-24-057 & 058), 341 Great Mall Drive. Project Planner: Troy Fujimoto, (408) 586-3287. (PJ #3098) *(Recommendation: Approval with Conditions and note receipt and file of the 6-month review)*
- \*4 USE PERMIT NO. P-UP2002-46:** A request for a 15 stall parking reduction for an adult day health care facility at 1533 California Circle (APN: 022-37-055). Project Planner: Troy Fujimoto, (408) 586-3287. (PJ #3155) *(Recommendation: Approval with Conditions)*
- \*6 USE PERMIT NO. P-UP2002-44 AND "S" ZONE AMENDMENT NO. P-SA2002-105:** Request for an 18-hole, indoor miniature golf course and associated exterior modifications in the Great Mall entertainment area at 125 Great Mall Drive (APN 86-24-055). Applicant: Putting Edge. Project Planner: Staci Pereira, (408) 586-3278. (PJ #3154) *(Recommendation: Approval with Conditions)*
- \*7 USE PERMIT NO. P-UP2002-23:** Six-month review of a religious assembly use at 473-479 Los Coches (APN 86-28-033). Applicant: Syed M. Shah. Project Planner: Staci Pereira, (408) 586-3278. (PJ #2292) *(Recommendation: Note, receipt, and file)*
- \*8 USE PERMIT NO. P-UA2002-21:** Request for a parking reduction to add additional seating and beer and wine sales at 89 S. Park Victoria Drive (APN 88-04-048). Applicant: Yuri Tofu House. Project Planner: Staci Pereira, 583-3278. (PJ #2306) *(Recommendation: Continue to February 26, 2003)*

M/S: Giordano/Nitafan

AYES: 6

NOES: 0

## VIII. PUBLIC HEARINGS

**1. USE PERMIT NO. P-UA2002-28:** *6 month temporary use permit for Manila Natori Restaurant located at 579 South Main Street.*

Vice Chair Lalwani moved to Public Hearings, Agenda Item No. 5.

**Troy Fujimoto, Assistant Planner,** presented a request for a 6-month temporary use permit for karaoke, dancing and live entertainment at Manila Natori Restaurant located at 579 South Main Street and recommended approval with conditions based on the findings and special conditions noted in the staff report. Mr. Fujimoto also pointed out the change to special condition no. 37 which reads as follows:

*Within thirty (30) days of January 22, 2003 (by February 22, 2003), the applicant shall obtain a Certificate of Occupancy from the Building Department.*

Commissioner Nitafan referenced Special condition No. 13 which reads as follows:

*The applicant shall complete construction of the garbage enclosure referenced in Condition No. 17, within 30 days of January 22, 2003, after which, all karaoke and entertainment uses shall be suspended until construction is completed.*

and suggested that 45 days is a more reasonable time frame for the applicant.

In response to Commissioner Galang's clarifying question regarding why the need for a 6-month temporary use permit, Mr. Fujimoto responded that the temporary use permit was to ensure that the applicant is progressing in a timely manner in meeting all of the special conditions.

Ms. Heyden also pointed out that the applicant was appealing for more time to complete the special conditions and that this use permit was an unusual circumstance. The temporary use permit was to allow the applicant to generate revenue to fund the improvements overtime, yet provided the City with a safeguard that the applicant would satisfy their conditions of approval.

Commissioner Nitafan mentioned how he visited the restaurant and met with the owner and that the owner has agreed to all the conditions staff has made.

Vice Chair Lalwani asked who is responsible for the garbage structure and Mr. Fujimoto responded that the applicant is. Ms. Heyden elaborated that because this is a single tenant site, the owner has placed the burden on the applicant. In multi-tenant situations, the financial burden is usually shared by all tenants, but it varies on a case by case basis.

Vice Chair Lalwani opened the public hearing.

There were no speakers from the audience.

**Motion** to close the public hearing.

M/S: Nitafan/Giordano

AYES: 6

NOES: 0

**Motion** to approve Use Permit No. P-UA2002-28 6-month temporary use permit with special conditions and recommendations noted in the staff report and to change special condition No. 13 which reads the following:

*The applicant shall complete construction of the garbage enclosure referenced in Condition No. 17, within 45 days of January 22, 2003, after which, all karaoke and entertainment uses shall be suspended until construction is completed.*

M/S: Nitafan/Giordano

AYES: 6

NOES: 0

Vice Chair Lalwani introduced Agenda Item No. 9 under New Business.

**2. REDEVELOPMENT  
AGENCY ANNUAL  
REPORT: Staff Contact:  
Emma Karlen**

**Emma Karlen, Finance Director**, presented a review of the Fiscal Year 2001-2002 Redevelopment Agency Audited Financial Statements and Annual Report and mentioned that no action was necessary by the Planning Commission.

**Commissioner Giordano** referenced page 3 of the report and questioned the \$5.8 million or 11.5% overall decrease.

Ms. Karlen responded that this data was in comparison to last year's data, which references the City's bonds to support construction.

Commissioner Giordano asked how the market trends impact the redevelopment agency and Ms. Karlen responded that the agency will receive less money this year compared to last year, which includes less revenue from property taxes.

Commissioner Giordano asked if the Milpitas Library was built by the Santa Clara County facility and Ms. Karlen responded that the library was built by the redevelopment agency which the City allocated hotel tax to build the library.

Commissioner Nitafo questioned the \$68 million in outstanding bonds and asked if the bonds are going to be fully paid off and Ms. Karlen responded that the City paid these in the year 2000.

Commissioner Nitafo questioned how much available bonds the City has and Ms. Karlen mentioned that the 2000 year bonds have been spent.

In response to Commissioner Nitafo's clarifying question, Ms. Karlen responded that the bonds will mature after the year 2008.

Commissioner Nitafo also asked how much surplus is available and Ms. Karlen responded that the availability depends on the outstanding balance the City pays off.

Commissioner Nitafo asked about undeveloped projects the City is funding and Ms. Karlen responded that that is not determined until there is new land development.

## **IX. ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:45 p.m. to the next regular meeting of February 5, 2003.

**Commissioner Sandhu** pointed out that February 5, 2003 is not the second Wednesday of the month and Ms. Heyden pointed out that the Commission approved the meeting dates back in December, and that the meeting was scheduled to February 5, 2003 due to Lincoln's birthday on February 12, 2003; a City holiday.

Respectfully Submitted,

Tambri Heyden  
Planning Commission  
Secretary

VERONICA RODRIGUEZ  
Recording Secretary